

Public Law 97-431
97th Congress

An Act

To direct the Secretary of the Interior to release on behalf of the United States certain restrictions contained in a previous conveyance of land to the city of Albuquerque, New Mexico, and for other purposes.

Jan. 8, 1983

[H.R. 4568]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to subsection (b), the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall release, by quitclaim deed or other good and sufficient instrument, on behalf of the United States, with respect to the land described in subsection (c) which was conveyed by the United States to the city of Albuquerque, New Mexico, by a patent numbered 30-64-0081, all conditions in such patent—

Albuquerque,
N. Mex.
Previous land
conveyance,
release of certain
restrictions.

(1) which require that such land be used for a public purpose pursuant to a plan approved by the Secretary, and

(2) which prohibit the transfer of title or control of such land by the patentee or its successor.

(b) The Secretary shall not deliver the release authorized by subsection (a) until the city of Albuquerque, New Mexico, simultaneously with such delivery—

(1) consummates an exchange of the land described in subsection (c) for the land described in subsections (d) and (e); and

(2) enters into a recordable agreement, in consideration of such release, that is satisfactory to the Secretary providing that—

Recordable
agreement.

(A) the city of Albuquerque will carry out at its sole expense a plan of development for the lands described in subsections (d) and (e), such plan to be submitted for the Secretary's written approval within one year after the date of the exchange and to be implemented by the city substantially in accordance with a timetable to be set forth in the plan;

(B) the city of Albuquerque will not use or permit the use of the lands described in subsections (d) and (e) which are received by the city of Albuquerque in exchange for the land described in subsection (c) for any purpose except exclusively for a community park or for other public purposes that are described in the plan of development, as approved by the Secretary;

(C) the city of Albuquerque will not transfer or attempt to transfer title to, or control over, any land described in subsections (d) or (e) after the city of Albuquerque receives title to such lands; and

(D) the city of Albuquerque will forfeit to the United States the title to and possession of the land described in subsections (d) and (e) if such property should ever cease to be used for a community park or for other public purposes described in the approved development plan, or if the city of

Albuquerque attempts to transfer title to, or control over, such lands after the city receives title to such lands.

(c) The land referred to in subsection (a) which was conveyed by the United States to the city of Albuquerque, New Mexico, on December 31, 1963, by a patent numbered 30-64-0081 is the following two tracts or parcels:

(1) One tract or parcel containing 1.250 acres, more or less, which is all of the north half southwest quarter northeast quarter southwest quarter southwest quarter of section 33, township 11 north, range 4 east, New Mexico principal meridian, county of Bernalillo, State of New Mexico.

(2) A second tract or parcel which is all of the south half northeast quarter northwest quarter southwest quarter southwest quarter and the south 26 feet of the north half northeast quarter northwest quarter southwest quarter southwest quarter of section 33, township 11 north, range 4 east, New Mexico principal meridian, county of Bernalillo, State of New Mexico.

(d) The land referred to in subsection (b) which was conveyed by the United States to the devisees of Tom Hughes on October 17, 1955, by patent number 1155047 is the tract or parcel containing 1.624 acres, more or less, which is all of lot 58 (also known as north half northwest quarter northeast quarter southwest quarter southwest quarter) of section 33, township 11 north, range 4 east, New Mexico principal meridian, county of Bernalillo, State of New Mexico.

(e) The land referred to in subsection (b) which was conveyed by the United States to Leyburn B. Kimble on March 2, 1955, by a patent numbered 1150213 is all of the south half northwest quarter northeast quarter southwest quarter southwest quarter of section 33, township 11 north, range 4 east, New Mexico principal meridian, county of Bernalillo, State of New Mexico.

SEC. 2. This Act does not affect—

- (1) any right to coal, oil, gas or other mineral deposit, or
- (2) except as otherwise expressly provided herein, any right, title or interest held by the United States in any land described in this Act.

SEC. 3. The authority of the Secretary to execute and deliver the release required by the first section of this Act shall not be limited by the Act entitled "An Act to authorize acquisition or use of public

Secretary's
release
authority.

lands by States, counties, or municipalities for recreational purposes.", approved June 14, 1926 (43 U.S.C. 869 et seq.).

Approved January 8, 1983.

LEGISLATIVE HISTORY—H.R. 4568:

HOUSE REPORT No. 97-635 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 128 (1982):

Aug. 2, considered and passed House.

Dec. 23, considered and passed Senate.